



STATE OF WASHINGTON

## STATE BUILDING CODE COUNCIL

### Washington State Energy Code Development Standard Energy Code Proposal Form

Jan 2022

Log No. 21-GP3-009

Code being amended: ☐ Commercial Provisions ☒ Residential Provisions

Code Section # Table R406.3 Option 3.2 & 3.5

#### Brief Description:

Table R406.3 Option 3.2: Expands this credit option to all system types that use a non-combustion primary heating system. Note: this option's purpose is to offer half a credit to upgrade a supplemental (backup) heating appliance to Energy Star rated.

Table R406.3 Option 3.5: Removing the "electric" limitation on zonal heating.

**Proposed code change text:** (Copy the existing text from the Integrated Draft, linked above, and then use underline for new text and ~~strikeout~~ for text to be deleted.)

**TABLE R406.3 (continued)**  
**ENERGY CREDITS**

OPTION	DESCRIPTION	CREDITS(S)	
		All other	Group R-2 <sup>a</sup>
<b>3.HIGH EFFICIENCY HVAC EQUIPMENT OPTIONS</b> Only one option from Items 3.1 through 3.8 may be selected in this category. Item 3.9 may be taken with Items 3.1 or 3.3 <sup>c</sup> only.			
3.2 <sup>a</sup>	<p>For <del>secondary</del> <u>supplemental</u> heating system serving System Types <del>2, 3, 4, or 5</del> in Table R406.2: <del>Air-source centrally ducted heat pump with minimum HSPF of 9.5</del> <u>Energy Star rated (U.S. North) Gas or propane furnace with minimum AFUE of 95%</u> <b>or</b> Energy Star rated (U.S. North) Gas or propane boiler with minimum AFUE of 90%.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.</p>	0.5	0.5
3.5 <sup>d</sup>	<p>Ductless mini-split heat pump system, zonal control: In homes where the primary space heating system is zonal <del>electric</del> heating, a ductless mini-split heat pump system with a minimum HSPF of 10.0 shall be installed and provide heating to the largest zone of the housing unit.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.</p>	1.5	2.0

**Purpose of code change:**

This proposal begins to remedy conflicting provisions in the WSEC-R that are preempted by federal law (EPCA).

Table R406.3 Option 3.2: System Type 2 (Table 406.2) conflicts with EPCA and a separate proposed aims to strike it. Thus, this proposal expands Option 3.2 (previous limited to system type 2) to all system types that use a non-combustion primary heating system so as not to lose the 2021 WSEC-R's intent to incentivize upgrading a supplemental (backup) heating appliance to Energy Star rated.

Table R406.3 Option 3.5: Limiting this credit option to only those with zonal electric resistive heating excludes (prohibits) a plethora of covered products (42 U.S.C. § 6295) that can also be installed zonally.

For any covered product, "EPCA, 42 U.S.C. § 6297(c), expressly preempts State and local regulations concerning the energy use" California Restaurant Ass'n v. City of Berkeley (9th Cir. 2023).

Your amendment must meet one of the following criteria. Select at least one:

- |   |  |
|---|--|
| <input type="checkbox"/> Addresses a critical life/safety need.   | <input checked="" type="checkbox"/> Consistency with state or federal regulations. |
| <input type="checkbox"/> The amendment clarifies the intent or application of the code.                                     | <input type="checkbox"/> Addresses a unique character of the state.                |
| <input type="checkbox"/> Addresses a specific state policy or statute.<br>(Note that energy conservation is a state policy) | <input type="checkbox"/> Corrects errors and omissions.                            |

Check the building types that would be impacted by your code change:

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Single family/duplex/townhome | <input type="checkbox"/> Multi-family 4 + stories | <input type="checkbox"/> Institutional |
| <input checked="" type="checkbox"/> Multi-family 1 – 3 stories    | <input type="checkbox"/> Commercial / Retail      | <input type="checkbox"/> Industrial    |

Your name	Gregory Johnson	Email address	gregory.johnson@avistacorp.com
Your organization	Avista Corporation	Phone number	509-495-4928
Other contact name	<a href="#">Click here to enter text.</a>		

## **Economic Impact Data Sheet**

**Is there an economic impact:** ☐ Yes ☒ No

Briefly summarize your proposal's primary economic impacts and benefits to building owners, tenants, and businesses. If you answered "No" above, explain your reasoning.

Negligible economic impact as credit options 3.2 and 3.5 remain remarkably the same, merely with a few lifted restrictions. As only one option may be taken within each category (items 3.1 through 3.8), selecting either of these options precludes taking of any other option within this category, thus further limiting the economic impact.

Provide your best estimate of the **construction cost** (or cost savings) of your code change proposal? (See OFM Life Cycle Cost [Analysis tool](#) and [Instructions](#); use these [Inputs](#). [Webinars on the tool can be found Here](#) and [Here](#))

**\$0 /square foot** (For residential projects, also provide **\$0 / dwelling unit**)

Show calculations here, and list sources for costs/savings, or attach backup data pages

Provide your best estimate of the **annual energy savings** (or additional energy use) for your code change proposal?

**0 KWH/ square foot (or) 0 KBTU/ square foot**

(For residential projects, also provide **0 KWH/KBTU / dwelling unit**)

Show calculations here, and list sources for energy savings estimates, or attach backup data pages

Negligible energy impact.

List any **code enforcement** time for additional plan review or inspections that your proposal will require, in hours per permit application:

Zero impact to plan review or inspection time or process.

**Small Business Impact.** Describe economic impacts to small businesses:

Negligible business impact as credit options 3.2 and 3.5 remain remarkably the same, merely with a few lifted restrictions.

**Housing Affordability.** Describe economic impacts on housing affordability:

Negligible housing affordability impact as credit options 3.2 and 3.5 remain remarkably the same, merely with a few lifted restrictions.

**Other.** Describe other qualitative cost and benefits to owners, to occupants, to the public, to the environment, and to other stakeholders that have not yet been discussed:

Reduces legal risk and uncertainty to building officials, municipalities, and the state related to conflicting provisions in this code that are preempted by federal law.